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EXAMINER

DEXTER, CLARK F

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 04/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/115,654

Applicant(s)  
Shibata

Examiner  
Clark F. Dexter

Art Unit  
3724



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jan 31, 2002
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19, 21-29, and 33-54 is/are pending in the application.
- 4a) Of the above, claim(s) 51 and 52 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19, 21-29, 33-50, 53, and 54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some\* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

1. The responses filed October 22, 2001 and January 31, 2002 have been entered. It is noted that in view of the new amendment practice under 37 CFR 1.121 which became mandatory for all amendments on March 1, 2001, and due to the limited amount of examining time per application, if the amendment contains changes to existing language that requires a marked-up version showing those changes, the Examiner is relying upon the marked-up version(s) for examination of the application. It is applicant's responsibility to ensure that the clean version(s) is (are) the same as the marked-up version(s). It is further noted that the clean version(s) is (are) considered to be the Official version(s).

### ***Election/Restriction***

2. Applicant's designation of the claims readable on elected species IIb is appreciated. Upon further consideration, apparatus claims directed to non-elected species including non-elected claims 2-11 have been rejoined and thus claims 1-19, 21-50, 53 and 54 are being examined. Applicant's arguments directed to including method claims 51 and 52 for examination along with the apparatus claims is not persuasive. The method claims are considered to be directed to a process that appears to be patentably distinct from the apparatus. It is noted that although apparatus claims 53 and 54 are set forth using "means-plus-function" limitations, those limitations

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are still directed to structure, not to a process for performing an operation, and there is clearly at least one-way distinctness between the process and the apparatus claims.

3. Claims 51 and 52 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention.

***Claim Rejections - 35 USC § 112***

4. Claims 1-19, 21-29, 33-50, 53 and 54 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 14<sup>✓</sup> and 18<sup>✓</sup>, “sensor means” is vague since it does not include or is not followed by a function, and it is suggested to simply change “sensor” to --sensing--.

In claim 2, lines 3-4<sup>✓</sup>, structural cooperation is lacking for the fixing member, and it is suggested in line 3 to change “for” to --releasably-- or the like; in line 5<sup>✓</sup>, structural cooperation is lacking between the fixing member and the actuator, and it is suggested to insert --coupled to said fixing member-- after “actuator” or the like.

In claim 3, line 7<sup>✓</sup>, --releasably-- should be inserted before “fixes” or the like for clarity; in lines 9-10<sup>✓</sup>, “vertical pivotal movement” is vague as to how it relates to the vertical movement previously set forth, and it seems that it should be changed to --said vertical-- or the like.

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In claim 5, line 3, structural cooperation is not positively provided for the dust cover, and it is suggested to insert --covering said actuator and said screw for-- before “protecting” or the like.

In claim 7, lines 3-4, structural cooperation is lacking for the fixing member, and it is suggested in line 3 to change “for” to --releasably-- or the like; in line 5, structural cooperation is lacking between the fixing member and the actuator, and it is suggested to insert --coupled to said fixing member-- after “actuator” or the like.

In claim 8, line 8, --releasably-- should be inserted before “fixes” or the like for clarity.

In claim 10, line 3, structural cooperation is not positively provided for the dust cover, and it is suggested to insert --covering said actuator and said screw for-- before “protecting” or the like.

In claim 11, line 3, “said sensor means” is vague and indefinite as to which sensor means.

In claim 14, lines 5-6, the recitation “arranged and constructed to slide” is vague and indefinite as to how the slide shaft is “arranged and constructed”, and it is suggested to change “arranged and constructed to slide” to --slidable-- or the like.

In claim 16, line 4, structural cooperation is not positively provided for the dust cover, and it is suggested to insert --covering said first actuator and said first screw for-- before “protecting” or the like; similarly in line 6, structural cooperation is not positively provided for the dust cover, and it is suggested in line 7 to insert --covering said second actuator and said second screw for-- before “protecting” or the like.

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In claim 21 appears to be inaccurate since the locks include the actuators, and it seems that in lines 1-2, "further comprising:" should be changed to --wherein said first lock comprises--; in line 3, "first lock and" should be deleted; and in line 5, --said second lock comprises--, and "second lock and the" should be deleted. ↩

In claim 22, line 6, the recitation "arranged and constructed to slide" is vague and indefinite as to how the slide shaft is "arranged and constructed", and it is suggested to change "arranged and constructed to slide" to --slidable-- or the like.

In claim 23, lines 11-12, the recitation "arranged and constructed to rotate" is vague and indefinite as to how the first actuator is "arranged and constructed" to perform the recited function; in line 25, the recitation "arranged and constructed to rotate" is vague and indefinite as to how the second actuator is "arranged and constructed" to perform the recited function.

In claim 24, line 3, structural cooperation is not positively provided for the dust cover, and it is suggested in line 4 to insert --covering said first actuator and said first screw for-- before "protecting" or the like; similarly in line 7, structural cooperation is not positively provided for the dust cover, and it is suggested in line 9 to insert --covering said second actuator and said second screw for-- before "protecting" or the like.

In claim 26, line 15, "arranged and constructed to detect ..." is vague and indefinite as to how the first sensor is arranged and constructed to perform the recited function; in line 22, "arranged and constructed to detect ..." is vague and indefinite as to how the second sensor is arranged and constructed to perform the recited function.

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In claim 35, line 12, ✓“the sensor means” lacks positive antecedent basis, and “sensor” should be changed to --sensing--; similarly, in line 16, ✓“the sensor means” lacks positive antecedent basis, and “sensor” should be changed to --sensing--.

In claim 36, lines 6-7, ✓“the sensing means” is vague as to which sensing means is being referred.

In claim 37, lines 1-2, ✓“wherein said enabling means further comprising ...” is vague and indefinite and appears to be inaccurate since two separate structures are provided, one to perform each function, and it is suggested to delete “wherein said enabling means” or the like.

In claim 38, line 15, ✓“the table surface” lacks antecedent basis.

In claim 39, lines 1-2, ✓“wherein said enabling means further comprising ...” is vague and indefinite and appears to be inaccurate since two separate structures are provided, one to perform each function, and it is suggested to delete “wherein said enabling means” or the like.

In claim 40, line 6, ✓structural cooperation is not positively set forth for “a sensor”.

In claim 41, line 6, ✓“holder” renders the claim vague and indefinite and appears to be inaccurate, and it seems that it should be changed to --shaft-- or the like.

In claim 42, line 2, structural cooperation is not sufficiently provided for “a screw”, and it is suggested in lines 1-2 to change “further comprising” to --wherein said lock further comprises-- or the like. ← \*  
screw 49

Claims 44-50, ✓53 ✓ and 54 ✓ should be reviewed for similar vague and indefinite language.

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***Prior Art***

5. Further consideration of the claimed invention with respect to the prior art will be given upon clarification of the claimed invention.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404. The examiner's typical work schedule is Monday, Tuesday, Thursday and Friday, and he can be reached during normal business hours on these days.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Allan Shoap, can be reached at (703)308-1082.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3579; informal/draft papers - (703)305-9835.

  
**Clark F. Dexter**  
**Primary Examiner**  
**Art Unit 3724**

cf  
April 22, 2002